

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

ALFRED GARCIA,  
Plaintiff,

vs.

No. 07-CV-782-JC-RLP

DISCOVER FINANCIAL SERVICES, LLC,  
EXPERIAN INFORMATION SOLUTIONS, INC.  
TRANS UNION, LLC and  
EQUIFAX INFORMATION SERVICES, LLC.  
Defendants.

**DEPONENT CHASE MANHATTAN BANK, N.A.'S MOTION FOR A  
PROTECTIVE ORDER AND TO RESCHEDULE 30(B)(6) DEPOSITION  
SCHEDULED FOR 4/25/08 AT 9:00 A.M. MDT**

Deponent Chase Manhattan Bank, N.A., properly known as Chase Bank USA, N.A., by counsel, moves to reschedule the 30(b)(6) deposition scheduled for 4/25/08 at 9:00 a.m.

Plaintiff has noticed a 30(b)(6) deposition of Chase Manhattan Bank, N.A., for 4/25/08 at 9:00 a.m. MDT. The deposition is scheduled to be a telephone deposition with the deponent in Wilmington, Delaware.

Unfortunately, the witness that Chase believed was the appropriate 30(b)(6) deponent, Mr. Richard "Rick" H. Eiel, is not in fact an appropriate witness to discuss the matters identified in the 30(b)(6) notice. The appropriate witness to discuss those matters is Ms. Lauren Martin. Ms. Martin is not available at the designated time and place due to a previous commitment. Under these circumstances, it would not be a good use of the parties' time to question Mr. Eiel. Accordingly, Mr. Eiel will not appear at the designated time and place.

Chase proposes that the deposition be rescheduled to any time after 10:00 a.m. EDT any day of the week beginning 4/28/08 or May 5, 6, or 7, 2008. Under the circumstances, Chase will

attend to the rescheduling of the deposition at a time and date that will work for all interested parties so that Plaintiff's counsel will not have to undertake that activity.

All parties that the undersigned understands were scheduled to participate in the deposition have been asked for their concurrence to rescheduling by e-mail on a couple of occasions, but most recently by an e-mail sent today at 1:47 p.m. MDT. Plaintiff's counsel opposes the rescheduling under any circumstances. Counsel for Discover takes no position, counsel for Trans Union, Equifax and Experian do not oppose the motion and have provided alternate dates of availability.

**Wherefore**, Chase prays that the Court enter a Protective Order prohibiting the deposition as now scheduled, and permit the rescheduling of the deposition on one of the days set forth above.

Respectfully submitted,

LEWIS AND ROCA LLP

A handwritten signature in black ink, appearing to read 'Th Gulley', with a long horizontal line extending to the right.

Thomas P. Gulley  
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I hereby certify that a true and correct copy of the foregoing pleading was electronically filed and that electronic notification was sent to the following on this 24<sup>th</sup> day of April, 2008:

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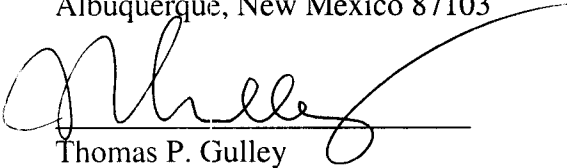
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